



**U.S. Department of
Transportation**

Office of the Secretary
Of Transportation

Memorandum

Subject: ACTION: Title III of the No FEAR
Act of 2002 – Data Posting Requirements

Date:

From: J. Michael Trujillo, Director
Departmental Office of Civil Rights, S-30

Reply to
Attn of:

To: Heads of Operating Administrations

Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (the No FEAR Act), Public Law 107-174, requires each Federal agency to post on its Web site summary statistical data pertaining to complaints of employment discrimination filed by employees, former employees and applicants for employment under 29 Code of Federal Regulations Part 1614. It requires posting of individual complaints, class complaints, and mixed-case complaints. Mixed-case complaints are those that can be filed under the Equal Employment Opportunity Commission (EEOC) regulations and/or Merit Systems Protection Board regulations. However, the Department is not required to post mixed-case appeals that are filed with the U.S. Merit Systems Protection Board, or grievances raising claims of employment discrimination filed under collective bargaining agreements.

In accordance with the above requirement, the Department has completed its first initial posting of the required data on the U.S. Department of Transportation's (DOT) Web site at <http://www.docr.msg.com/asp/nofear.asp>. The No FEAR Act requires agencies to post data on a year-to-date basis, updated quarterly, when posting for the current fiscal year. When posting for prior years, an agency is required to post final year-end data for each of the five immediately preceding fiscal years, if available. Therefore, the Department's current posting includes only data for the 1st quarter of the current fiscal year. DOT's next posting will include data for the 2nd quarter of the current fiscal year, and year-end data for each of the five immediately preceding fiscal years.

Additionally, DOT is required to prominently display a link (icon) to No FEAR data on its home Web page. Similarly, I am asking you to also display an icon link to No FEAR data on the home page of your Web site. DOCR will provide the appropriate information for posting.

If you have any question concerning the data posting requirements under Title III of the No FEAR Act, please contact Ms. Caffin Gordon, of my staff, at (202) 366-9367 or (TTY) 202-366-0663.

S-34TrujilloMemoPostingNoFEARdata(Final2)